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12	and ROCHE DIAGNOSTICS OPERATIONS, INC.	Attamaya fan Dafandant	
13	OFERATIONS, INC.	Attorneys for Defendant, BAYER HEALTHCARE LLC	
	UNITED STATES	S DISTRICT COURT	
14	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA		
15	ABBOTT DIABETES CARE INC. and	Case No. C05-03117 MJJ	
16	ABBOTT LABORATORIES,	Case 140. C03-03117 14133	
17	Plaintiffs/Counterdefendants,		
	1 minimis counteracionada		
18	V.		
19	ROCHE DIAGNOSTICS CORP.,		
20	ROCHE DIAGNOSTICS OPERATIONS, INC and BAYER HEALTHCARE LLC,	2.	
20			
21	Defendants/Counterplaintiffs.		
22			
	THERASENSE, INC. AND ABBOTT	Case No. C04-2123MJJ	
23	LABORATORIES,	Case No. C04-3732MJJ Case No. C04-3327MJJ	
24	Plaintiffs/Counterdefendants,		
25	v.	REQUEST FOR ORDER GRANTING DEFENDANTS LEAVE TO AMEND	
		THEIR ANSWERS AND	
26	NOVA BIOMEDICAL CORPORATION AND BECTON, DICKENSON COMPANY,	COUNTERCLAIMS	
27	, , , , , , , , , , , , , , , , , , ,		
28	Defendants/Counterplaintiffs.		
20		REQUEST FOR ORDER GRANTING DEFENDANTS LEAVE	

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REQUEST FOR ORDER GRANTING DEFENDANTS LEAVE TO AMEND THEIR ANSWERS AND COUNTERCLAIMS

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1	On June 29, 2007, Defendants Baye	er Healthcare, LLC and Roche Diagnostics Corporation
2	and Roche Diagnostics Operations, Inc. ser	rved their motions for leave to amend their answers and
3 4	counterclaims. On July 31, 2007 Defend	ants Becton, Dickinson and Co. and Nova Biomedica
5	Corporation served their motion for leave	to amend their answer and counterclaims in response to
6	-	er 18, 2007, the Court heard arguments on the parties
7	-	-
8	motions. Pursuant to the Court's request, the parties submit this Proposed Stipulated Order which reflects the Court's ruling stated on the record of hearing held September 18, 2007.	
9	which reflects the Court's runng stated on	
10	a z h .	Respectfully submitted,
11	Dated:	BAKER BOTTS LLP
12		By: Ahamon Pute Deson Gy & Ros
13		James W. Cannon, Jr.
14		Shannon H. Hutcheson Maria Wyckoff Boyce
15		David J. Wille
16		Attorneys for Plaintiffs Abbott Diabetes Care inc. and Abbott Laboratories
17		
18	Dated: 9/2 , 2007	BARNES & THORNBURG LLP
19		horath P. J.
20		By: Morrow Con Colones  Donald E. Knebel
21		Daniel P. Albers Lynn C. Tyler
22		Paul B. Hunt Jonathan P. Froemel
23		
24		Attorneys for Defendants Roche Diagnostics Corp. and Roche Diagnostics Operations, Inc.
25	0/61	
<ul><li>26</li><li>27</li></ul>	Dated: 4/2 , 2007	ROPES & GRAY LLP
28		By: Jeanne Curtis ley & B
	CHDS01 419944v1	REQUEST FOR ORDER GRANTING DEFENDANTS LEAVE TO AMEND THEIR ANSWERS AND COUNTERCLAIMS

## Bradford J. Badke Sona De Jeanne Curtis Attorneys for Defendants Nova Biomedical Corporation and Becton, Dickinson and Company MORRISON & FOERSTER LLP Dated: Wesley E. Overson Jason R. Bartlett Attorneys for Defendant Bayer Healthcare LLC

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(PROPOSED) STIPULATED ORDER

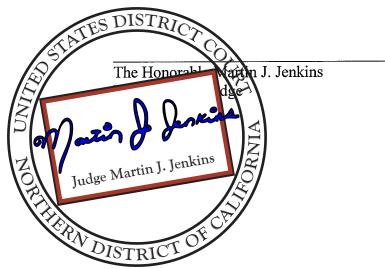
This cause being heard in cases CO-5-3117, CO-4-2123, CO-4-3327, and CO-4-3732 on the motions by Defendants Bayer Healthcare, LLC and Roche Diagnostics Corporation and Roche Diagnostics Operations, Inc. served June 29,2007, and the motion of defendants Becton, Dickinson and Co. and Nova Biomedical Corporation served July 31, 2007 in response to Plaintiffs' motion to strike, for leave to amend their answers and counterclaims; briefs having been filed and arguments heard;

Wherefore, It Is Ordered That:

For the reasons stated on the record of hearing held September 18, 2007, all Defendants' motions are granted and the amended answers and counterclaims are deemed filed on September 18, 2007 and the Court denies Abbott's motion to strike BD's and Nova's amended answer and counterclaims.

It is further ordered that Abbott is permitted to take the depositions of Matthew Musho and Ying Le before the expert discovery cut-off as set forth in the Court's July 27, 2007 case management statement, or any amended thereto. Furthermore, the parties shall meet and confer and provide the Court with a proposed modified case management statement by September 26, 2007 reflecting any proposed changes to the current case schedule.

Date\_\_\_\_09/25/07



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REQUEST FOR ORDER GRANTING DEFENDANTS LEAVE TO AMEND THEIR ANSWERS AND COUNTERCLAIMS

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